

Notice of Allowability	Application No.	Applicant(s)	
	09/828,953	ARRASMITH ET AL.	
	Examiner	Art Unit	
	Omar Flores-Sánchez	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/30/04.
2. ☒ The allowed claim(s) is/are 8-17.
3. ☒ The drawings filed on 27 June 2001 and 30 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The claim is allowable because the prior art fails to teach a first radial distance between a first corner (where the inner edge and the leading edge define the first corner) and an axis of rotation of a base plate and a second radial distance between a second corner (where the inner edge and the trailing edge define the second corner) and the axis of rotation of the base plate when the first radial distance is greater than the second radial distance as set forth in claim 1.

Blachere (2478651) teaches a circular rear base plate 12, plurality of food conveying paddles 6 being rectilinear in shape, the end of each of the paddle located adjacent the rear base plate being located at least in partially trailing relationship (see, Fig. 2), one forward located annular ring 22 and a constant angle. However, Blachere fail to teach a first radial distance between a first corner (where the inner edge and the leading edge define the first corner) and an axis of rotation of a base plate and a second radial distance between a second corner (where the inner edge and the trailing edge define the second corner) and the axis of rotation of the base plate when the first radial distance is greater than the second radial distance as set forth in claim 1.

Also, Pinegar teaches a non-rotating drum housing 27 having a cylindrical axis and an axially extending slot (see Fig. 1 and 2); at least one knife 26 mounted on the housing, an impeller 25, a base plate (40 or 41), at least one ring 45, a plurality of paddles (right & left portions of 30), an end of each paddle (at the ring 45) is located in a partially trailing relationship and each of said paddles is oriented to extend at an angle relative to a radius of the rear base plate (see Fig. 2). However, Pinegar fail to teach a first radial distance between a first corner (where

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the inner edge and the leading edge define the first corner) and an axis of rotation of a base plate and a second radial distance between a second corner (where the inner edge and the trailing edge define the second corner) and the axis of rotation of the base plate when the first radial distance is greater than the second radial distance as set forth in claim 1.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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December 21, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER